

# FREEDOM FROM RELIGION *foundation*

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May 2, 2017

**SENT VIA EMAIL ONLY TO:** [bwells@cityofelcajon.us](mailto:bwells@cityofelcajon.us); [marapostathis@ci.la-mesa.ca.us](mailto:marapostathis@ci.la-mesa.ca.us);  
[jminto@cityofsanteeca.gov](mailto:jminto@cityofsanteeca.gov); [rvasquez@lemongrove.ca.gov](mailto:rvasquez@lemongrove.ca.gov)

Mayor Bill Wells  
200 Civic Center Way  
El Cajon, CA 92020

Mayor Mark Arapostathis  
8130 Allison Avenue  
La Mesa, CA 91942

Mayor John Minto  
10601 Magnolia Avenue  
Santee, CA 92071

Mayor Racquel Vasquez  
3232 Main Street  
Lemon Grove CA 91945

Re: Mayors' Prayer Lunch with David Barton

Dear Mayors Wells, Arapostathis, Minto, and Vasquez:

On behalf of the more than 28,000 nonreligious members we represent nationwide — including more than 3,000 members in California and a state chapter — our organization, which works to protect the constitutional separation between state and church, respectfully asks that you disassociate the Mayor's office from the annual Mayor's Prayer Luncheon, scheduled for May 4.

It is our understanding that have lent your public title, Mayor, to this private religious event, which features a speaker who actively distorts American history and law, David Barton. Barton is a divisive figure who has said AIDS is his god's punishment for homosexuality,<sup>1</sup> has essentially "blam[ed] the Democratic party for slavery, lynching, and Jim Crow,"<sup>2</sup> and criticizes non-Christians for exercising their religious rights, including criticizing Rep. Keith Ellison for being a Muslim.<sup>3</sup>

The event is billed as a chance to meet "mayors from 4 different cities" and includes testimony from past lunches that portray this as a chance to lobby and influence local government: "I was amazed to see when a concern came up, that Police Officers, Mayors, and Pastors got together to find a solution" and "Mayors, Pastors, Business Leaders all together in one place changes things!"<sup>4</sup> It features your portraits.

As mayors you represent a diverse population that consists of not only Christians but also atheists and agnostics, who do not believe in prayer. Overall, 23% Americans identify as nonreligious.<sup>5</sup> That 8 point increase since 2007<sup>6</sup> and 15 point jump since 1990 makes the "nones" the fastest growing identification in America.<sup>7</sup> About 35% of millennials are nonreligious.<sup>8</sup> Lending your titles and possibly city resources to a Prayer Lunch unabashedly promotes religion, sending an official message of endorsement of religion over non-religion that excludes many of your constituents.

You may, as a private citizen, attend any religious functions you like: prayer services, the church of your choice, etc. But the federal and state constitutions dictate that you as mayor may not bless such events or allow your title as mayor to be used for any purely religious event such as this. If this is indeed an entirely private event organized by churches, it is an inappropriate usurpation of the Mayor's Office for event organizers to name it "the Mayors' Prayer Lunch."

As mayor you took an oath of office to uphold the U.S. Constitution, which is a godless and secular document in which the only references to religion in government are exclusionary, such as the prohibition on religious tests for public office.

It is a fundamental principle of Establishment Clause jurisprudence that the government cannot in any way promote, advance, or otherwise endorse religion. It can neither promote one religion over another, nor religion over nonreligion. The federal Constitution also prohibits using taxpayer dollars or publicly funded employees and resources to organize, coordinate, and promote religious events. Courts have upheld restrictions on such activity.

In 2002, a federal court in Georgia enjoined the city and mayor from organizing, advertising, promoting or endorsing a prayer breakfast. *See Newman v. City of East Point*, 181 F.Supp.2d 1374 (N.D. Ga. 2002). In that case, the court restricted the use of city funds, employees, resources, and supplies in facilitating a prayer event. *See id.* As a result of the city's activities (making and sending invitations, issuing press releases, advertising the event, etc.), the court stated "an objective observer would most certainly conclude that the [city] has endorsed religion, specifically Christianity..." *Id.* at 1381. It further stated "... as long as the event takes place at a non-City facility, does not use City funds, does not use City employees to publicize or organize it and is not presented as being endorsed by the City, then the Mayor and any City Officials can participate in the event." *Id.* at 1382.

Even if no government resources have yet been involved in the planning and execution of this prayer lunch, simply appearing in your official capacity as Mayor presents constitutional problems. FFRF won an injunction against the mayor of Denver, Colorado, over his promotion, endorsement, and sponsorship of a "Day of Prayer." *See FFRF v. Denver*, No. 93 CV 6056 (Colo. Dist. Ct. Nov. 24, 1993). The court enjoined Mayor Webb and other city officials "acting in an official capacity, from promoting, endorsing, or supporting the Day of Prayer..." *Id.* at 5. It reasoned:

Since prayer is exclusively a religious act, the endorsement of a Day of Prayer would logically be interpreted by a reasonable person as an endorsement of religion. Because from all appearances Mayor Webb was acting in his official capacity in issuing the press release and conducting the press conference endorsing the Day of Prayer, the Court concludes that a reasonable person would interpret his conduct as governmental endorsement of religion. As such, it violates the Establishment Clause." *Id.*

Neither of these cases prevented government officials from participating in prayer events in their *personal* capacities. But it is absolutely unlawful and inappropriate under the First Amendment for a city government to fund, sponsor, or host such an event, or to lend the event the prestige of a mayoral title.

The speaker at this event, David Barton, is a man governments should avoid affiliating with. Barton's book, *The Jefferson Lies*, was so riddled with falsehoods that the History News Network, which is attached to George Washington University, voted it the "least credible history book in print."<sup>9</sup> Warren Throckmorton and Michael Coulter, Christians and professors at Grove City College (a Christian school), published an entire book debunking Barton, *Getting Jefferson Right: Fact Checking Claims about Our Third President*. The book was so full of factual errors that its publisher (who typically publishes bibles) pulled the book from shelves, refusing to sell any more.

Barton is also a poor choice if you are participating in this event because you believe it to be ecumenical. Barton regularly impugns religious minorities, including Muslims and nonbelievers: "From a societal standpoint, there should be more concern over elected officials who are secularists and will swear an oath on no religious book, than for Muslims who swear on the Koran. After all, secularism presents a greater threat to American traditions and values than does Islam."<sup>10</sup>

Barton also misrepresents his expertise. He is not an historian. He does not have a real Ph.D.<sup>11</sup> Barton attended the conservative, evangelical Oral Roberts University where he received a degree in “Christian Education.”<sup>12</sup> He led bible studies and, after graduation, taught in a fundamentalist Christian school run by his parents.<sup>13</sup> He has no education or training in the law or history, two of his favorite topics. Barton has committed “academic fraud” according to historians.<sup>14</sup>

Even other evangelical Christians whose goals align with Barton’s have disavowed his historical revisionism. A senior fellow at the Discovery Institute, an outfit dedicated to promoting creationism, said that Barton’s work is filled with “embarrassing factual errors, suspiciously selective quotes, and highly misleading claims.”<sup>15</sup>

The Mayor’s Office cannot allow a secular, public title to be used as part of this event, nor can it organize or promote the event. Moreover, no leader interested in serving all his or her citizens should lend their presence and legitimacy to Barton. Please inform us in writing of the steps your office will take to rectify this situation.

Sincerely,



Andrew L. Seidel  
Staff Attorney

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<sup>1</sup> See, e.g., <http://www.rightwingwatch.org/post/barton-suggests-we-cant-cure-aids-because-it-is-punishment-for-sin/>; <http://www.rightwingwatch.org/post/david-barton-the-bible-says-there-will-never-be-a-vaccine-for-hiv-because-aids-is-the-penalty-for-homosexuality/>; <http://www.rightwingwatch.org/post/barton-aids-is-gods-penalty-for-those-who-engage-in-shameful-sexual-acts/>

<sup>2</sup> See Right Wing Watch, “Racial History,” *Barton’s Bunk: Religious Right ‘Historian’ Hits the Big Time in Tea Party America* (April 2011) at <http://www.rightwingwatch.org/report/bartons-bunk-religious-right-historian-hits-the-big-time-in-tea-party-america/>.

<sup>3</sup> See Right Wing Watch, “Barton on Religious Minorities,” *Barton’s Bunk: Religious Right ‘Historian’ Hits the Big Time in Tea Party America* (April 2011) at <http://www.rightwingwatch.org/report/bartons-bunk-religious-right-historian-hits-the-big-time-in-tea-party-america/>

<sup>4</sup> <http://www.mayorsprayerlunch.com/>.

<sup>5</sup> *America’s Changing Religious Landscape*, PEW RESEARCH CENTER (May 12, 2015), available at [www.pewforum.org/2015/05/12/americas-changing-religious-landscape/](http://www.pewforum.org/2015/05/12/americas-changing-religious-landscape/).

<sup>6</sup> *Nones on the Rise: One-in-Five Adults Have No Religious Affiliation*, THE PEW FORUM ON RELIGION & PUBLIC LIFE (October 9, 2012), available at <http://www.pewforum.org/Unaffiliated/nones-on-the-rise.aspx>.

<sup>7</sup> Barry Kosmin, *National Religious Identification Survey 1989-1990*.

<sup>8</sup> *America’s Changing Religious Landscape*, PEW RESEARCH CENTER (May 12, 2015), available at [www.pewforum.org/2015/05/12/americas-changing-religious-landscape/](http://www.pewforum.org/2015/05/12/americas-changing-religious-landscape/).

<sup>9</sup> <http://historynewsnetwork.org/article/147149>.

<sup>10</sup> David Barton, “An Historical Perspective on a Muslim Being Sworn into Congress on the Koran,” January 2007 at <https://www.wallbuilders.com/downloads/newsletter/Winter2006.pdf>.

<sup>11</sup> Barton’s Ph.D has aroused lots of suspicion. If he has one, it appears to be from a Christian diploma mill. See Warren Throckmorton, “Is Life Christian University the Source of David Barton’s PhD?,” at <http://www.patheos.com/blogs/warrenthrockmorton/2016/09/07/is-life-christian-university-the-source-of-david-bartons-phd/>.

<sup>12</sup> Erik Eckholm, “Using History to Mold Ideas on the Right,” *The New York Times* (May 4, 2011) at <https://www.nytimes.com/2011/05/05/us/politics/05barton.html>.

<sup>13</sup> Nate Blakeslee, “King Of the Christocrats,” *Texas Monthly*, (September 2006) at <http://www.texasmonthly.com/articles/king-of-the-christocrats/>.

<sup>14</sup> Miriam Raftery, “Debunked ‘Christian Nation’ advocate speaking at East County Mayor’s Luncheon ignites controversy,” *East County Magazine*, (May, 1, 2017) at <http://www.eastcountymagazine.org/debunked-%E2%80%9Cchristian-nation%E2%80%9D-advocate-speaking-east-county-mayors%E2%80%99-luncheon-ignites-controversy>.

<sup>15</sup> Thomas Kidd, “The David Barton Controversy,” *World Magazine* (August 25, 2012) at <https://world.wng.org/2012/08/the-david-barton-controversy?>.